



Zoning Administrator NOTICE OF DECISION

Date: June 25, 2015
Applicant: Little Diversified Architectural Consulting
Case No.: DRC-15-04
Site Address: 1030 Third Avenue, Chula Vista, Ca.
Project Planner: Richard E. Zumwalt, A.I.C.P.

Notice is hereby given that on June 25, 2015, the Zoning Administrator considered an Administrative Design Review application and plans filed by Little Diversified Architectural Consulting (Applicant), requesting approval of the remodeling of the existing K-Mart building for the Third & Moss Shopping Center project located at 1030 Third Avenue in Chula Vista, CA.

The project proposes re-designing the façade of the existing vacant 116,807 square foot building with enhanced architectural elements, division of the interior of the building into four commercial suites, and upgrading the existing 658-space parking lot and landscaping. The existing freestanding restaurant will be demolished. The Project site is 11.14 acres in size and is located at 1030 Third Ave. in Chula Vista, CA. The site has a zoning designation of Central Commercial-Precise Plan (CCP), and a General Plan Designation of Commercial Retail (CR), which allows commercial uses.

The Development Services Director has reviewed the Project for compliance with the California Environmental Quality Act (CEQA) and has determined that the Project qualifies for a Class 1 categorical exemption pursuant to Section 15301 (Existing Facilities) of the State CEQA Guidelines. The project qualifies for a Class 1 exemption because the project proposes remodeling of an existing commercial building involving negligible or no expansion of the existing commercial use. Thus, no further environmental review is necessary.

The Zoning Administrator, under the provisions of Chula Vista Municipal Code (CVMC) Section 19.14.582.C, and based on the applicable design guidelines of the Design Manual, has conditionally approved the Project, based upon the following findings:

1. *That the proposed development is consistent with the development regulations of the Chula Vista Municipal Code, and other applicable regulatory documents;*

The project is consistent with the Zoning Ordinance, Chapter 19 of the CVMC because the project proposes remodeling of an existing commercial building that would be used as a commercial retail center, which is a permitted use in the CCP zone. The project is designed to comply with the applicable development standards of the CCP zone.

2. *The design features of the proposed development are consistent with, and are a cost effective method of satisfying the City of Chula Vista Design and Landscape Manuals.*

The project design includes a variety of architectural elements, including the addition of built-up entry towers with a variable roof elements including curvilinear, angled and flat roof lines, metal awnings, and aluminum storefront systems that would enhance the design of the front elevation and highlight the proposed suite entries. The building includes existing materials such as cement plaster, exposed masonry and concrete that will be enhanced by adding a variety of texture, colors and pilasters spaced along the facade. The Project site includes an existing parking lot that will be repaired and re-stripped, upgraded with the addition of a landscaped accessible pedestrian access from Third Avenue to the storefront, and replacement and maintenance of the existing landscape planting and irrigation system. Therefore, the design is consistent with the Commercial Design guidelines of the Design Manual.

CONDITIONS OF APPROVAL

The following conditions of approval shall be satisfied by the Applicant and/or Property owner to the satisfaction of the Director of Development Services Department prior to the issuance of any building permit for the Project, unless otherwise specified in the conditions of approval:

DEVELOPMENT SERVICES DEPARTMENT:

PLANNING DIVISION:

1. The Project Site shall be improved and maintained in accordance with the DRC-15-04 plans approved June 25, 2015, which include the site plan, floor plan, and concept landscape plans date-stamped March 12, 2015, and elevations date-stamped June 9, 2015, subject to the following conditions contained herein, and the Zoning Ordinance (Title 19).
2. The Property Owner or authorized representative shall execute this document by making a true copy of this Notice of Decision and signing both this original notice and the copy on the lines provided below, said execution indicating that the Property Owner and the Applicant have each read, understood and agreed to the conditions and land use operation modifications contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document prior to submittal for building permits to the Development Services Department shall indicate the Property Owner's and Applicant's desire that the project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval.

Signature of Property Owner

Date

Signature of Authorized Representative

Date

- 3 The Applicant shall obtain approval of a Sign Permit from the City for construction of any new or modified signs. Signs shall comply with the Sign Ordinance, CVMC Chapter 19.60, including the CVMC 19.60.540, Central Commercial (CC) zone sign regulations. The signage plans shown on Sheet A-5.0 of the DRC plans are conceptual and not approved.
- 4 Sign programs, if voluntarily proposed for the development, shall comply with CVMC 19.60.050.J. Approval of the Sign Program is required prior to issuance of sign permits.
- 5 The Applicant shall submit building plans for review and approval by the City, including the following exterior improvements:
 - a. If external down-spouts are proposed for roof- drainage, they shall be painted to match the background wall color.
 - b. New or modified trash enclosures shall comply with City standard trash enclosure drawings to the satisfaction of the Public Works – Environmental Services Division and Development Services Department – Land Development Division.
 - c. New or modified trash enclosures shall be provided with a solid roof with minimum height of 10 ft. to the lowest point of roof. The site shall be graded in such a way as to prevent run-on into, and run off from, the trash enclosure area
 - d. The wing walls of the built-up entry tower facade on the southeast corner of the front (easterly- facing) elevation shall be extended and architecturally enhanced to screen the rear portion of the entry tower façade from off- site views, similar to the proposed entry tower on the northeast corner of the building.
 - e. The building plans shall include a screen wall on the roof to provide architectural screening of rooftop mechanical equipment. The wall shall be designed to have the minimum height necessary to screen the equipment and be architecturally compatible with the design of the building.
- 6 The Applicant shall submit a revised site plan with building permit submittal including the following corrections:
 - a. Provide a revised parking table to show the updated parking of 658 proposed and 584 required parking spaces.
 - b. The applicant shall submit and obtain approval of a detailed wall and fence plan with the building permit application, including a site plan, elevation and cross-section showing the design, color and materials of a zoning wall on the western property line. The zoning wall shall replace the existing cyclone fencing. The zoning wall shall be constructed of solid masonry or solid stucco fencing with no openings. The wall shall be a minimum of 6 feet in height. The color and materials of the wall shall be compatible with the design of the existing building.

7. Prior to issuance of the building permit, the Applicant shall pay in full any unpaid balance for the Project, including Deposit Account No. DQ1731.
8. Prior to issuance of the building permit, the Applicant shall submit a letter or report prepared by a qualified acoustical consultant demonstrating that noise levels generated by the roof-mounted Heating/Ventilation/Air Conditioning (HVAC) equipment measured at the adjacent multi-family residentially-zoned property to the west, comply with the Exterior Noise Limits of the Noise Control Ordinance (CVMC 19.68.030). The noise level at the adjacent property line that would exceed the City's exterior noise standards is 50 dBA Leq during hours of 10 pm to 7 am (weekdays) and 10 pm to 8 am (weekends); and 60 dBA Leq during the hours of 7 am to 10 pm (weekdays) and 8 am to 10 pm (weekends). This standard may be achieved by selection of equipment with low noise levels, placement of equipment in a way that maximizes the distance to the property lines, or providing noise reduction enclosures to screen roof equipment, such as a parapet roof or screen wall.
9. The Applicant shall, after issuance of the building permit during construction, and after issuance of the Certificate of Occupancy, ensure that the project operates in compliance with the Performance Standards, CVMC Chapters 19.66 and Performance Standards and Noise Control, Chapter 19.68.
10. This Design Review Permit authorizes only the improvements specified in the project description for DRC-15-04 included in the project application and plans. Any new improvements, modification/expansion of improvements or other activities not authorized under this Design Review Permit shall be subject to the review and approval of the Zoning Administrator.
11. This permit shall become void if not used or extended within three years of the effective date thereof in accordance with Section 19.14.600 of the Chula Vista Municipal Code. Failure to comply with the conditions of approval shall cause this permit to be reviewed by the City for additional conditions or revocation.
12. Approval of this Project shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Design Review Permit.
13. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. The applicant or a successor in interest gains no vested rights by the City's approval of this Design Review Permit.

14. The Applicant shall and does hereby agree to indemnify, protect, defend and hold harmless City, its Council members, officers, employees, agents and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorneys' fees (collectively, "liabilities") incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this design review permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein. Applicant shall acknowledge their agreement to this provision by executing a copy of this design review permit where indicated, above. Applicant's compliance with this provision is an express condition of this design review permit and this provision shall be binding on any and all of Applicant's successors and assigns.

BUILDING DIVISION:

The Applicant shall submit the required application, plans and fees for building permits, to the satisfaction of the City Building Official, that comply with the following requirements:

15. The Building Permit shall comply with all applicable codes and requirements, including but not limited to the 2013 California Building Code (CBC) and Ca. Handicapped Accessibility requirements, 2013 California Electrical Code, 2013 Fire Code, 2013 California Energy Code, and 2013 California Green Building Standards, as adopted and amended by the State of California and City of Chula Vista. Approval from the Planning, Engineering or Fire Department is required prior to permit issuance.
16. This project shall be designed by an Architect or Engineer licensed by the State of California. [California Business and Professional Code 5536.1, 6735].

LANDSCAPE ARCHITECTURE DIVISION:

17. The applicant shall submit detailed landscape construction plan prepared by a California Licensed Landscape Architect for review and approval with the building permit submittal, which is in substantial conformance with the Concept Landscape Plan, and designed per Landscape Manual and CVMC requirements.

ENGINEERING-LAND DEVELOPMENT DIVISION:

The following conditions of approval shall be satisfied by the Applicant prior to issuance of the building permit, construction permit or at the timeframe specified in the condition, as determined by the Land Development Division:

General Comments and Fees:

18. The following fees shall be paid by the Applicant, based on the Final Building Plans submitted. Fees are charged for the project only, in excess of current land use:

- a. Sewer connection and capacity fees;
 - b. Traffic Signal Fees;
 - c. Public Facilities Development Impact Fees (PFDIF);
 - d. Western Transportation Development Impact Fees (WTDIF);
 - e. Other Engineering Fees as applicable per the Master Fee Schedule.
19. Additional deposits or fees in accordance with the City Subdivision Manual, and Master Fee Schedule shall be paid for the submittal of the following items:
- a. Grading Plans;
 - b. Construction Permit.
20. Prior to the approval of any Building or Land Development Permit, the owner/applicant shall submit duplicate copies of all commercial, industrial or multifamily Projects in digital format, such as (DXF) graphic file, on a CD or through e-mail based on California State Plane Coordinate System (NAD 83, Zone 6) in accordance with the City's Guidelines for Digital Submittal. DXF file shall include a utility plan showing any and all proposed sewer or storm drain on site.

Access and Site Plan Comments:

21. All driveways shall conform to the City of Chula Vista's sight distance requirements in accordance with Section 12.12.120 of the Municipal Code. Also, landscaping, street furniture, or signs shall not obstruct the visibility of driver at the street intersections or driveways.
22. Provide a circulation analysis on the Building Permit Site Plan demonstrating:
- a. Solid waste and delivery truck access route;
 - b. How delivery trucks will turn around when entering and exiting the loading area;
 - c. The relationship of the truck turning radius to adjacent visitor parking.

Sewer:

23. The building and improvement plans shall clearly show the existing and proposed sanitary sewer lines and how the site will connect to the City's public sewage system. No

sewer lines will be allowed to be located under existing or proposed buildings. Indicate whether sewer lines are private or public.

24. The building and improvement plans shall demonstrate sewer lateral compliance with the current California Plumbing Code, minimum sewer grade (2%) from the farthest unit on the site to the sewer mains in Third Avenue and Moss Street, or as approved by the Director of Development Services.
25. For the proposed private sewer facilities, manholes shall be used where 6" mains or larger are connected to public sewer.

Grading and Drainage:

26. The grading plans shall clearly show the existing storm drain across the site. No storm drain shall be allowed to be located under the existing or proposed buildings. Indicate whether the existing storm drain is public or private. If public, please show public easement location and width on the grading plans.
27. Provide 2 copies of the following technical reports with the 1st submittal of building or grading plans:
 - a. Drainage Study
 - b. Water Quality Technical Report
 - c. Geotechnical Report

Storm Water Management:

28. This project shall comply with all requirements of the Chula Vista Development Storm Water Manual (Storm Water Manual) for both construction and post-construction phases of the project. Prior to grading permit approval, documentation shall be provided, to the satisfaction of the City Engineer, to demonstrate such compliance. A copy of the Storm Water Manual is available on the web at:

<http://www.chulavistaca.gov/Clean/StormWater/DevelopandConst.asp>

29. The owner shall enter into a Storm Water Management Facilities Maintenance Agreement to perpetually maintain private BMP's located within the project prior to issuance of any Grading or Building Permits, whichever occurs first.

Public Improvements:

30. Improvement Plans in conformance with the City's Subdivision Manual and a Construction Permit shall be submitted prior to issuance of any Building Permits. The Improvement Plan shall include but not be limited to:

- a. Removal and replacement of any broken curb, gutter, sidewalk per SDRSD G-2, and G-7 along the project's frontage to the satisfaction of the City Engineer. Sidewalk shall be designed and constructed with proper transitions to existing conditions;
- b. Removal and replacement of existing driveway(s) meeting design standards as shown in Chula Vista Construction Standard CVCS-1A. Current Driveway(s) shall be replaced, if it does not meet the City of Chula Vista Design Standards/ADA Standards, or if existing driveway is cracked or broken. Dedication of R/W as needed in order for driveway to comply with (American Disability Act) ADA requirements.

Private Onsite Improvements:

31. The onsite sewer and storm drain system shall be private. All sewer laterals and storm drains shall be privately maintained from each building unit to the City-maintained public facilities.
32. All proposed sidewalks, walkways, pedestrian ramps, and disabled parking shall be designed to meet the City of Chula Vista Design Standards, ADA Standards, and Title 24 standards, as applicable.

Chula Vista Municipal Code Requirements:

33. Any private facilities (if applicable) within Public right-of-way or City easement shall require an Encroachment Permit prior to Improvement Plan or Building Permit approval.

FIRE DEPARTMENT:

The following conditions of approval shall be satisfied by the Applicant prior to issuance of the building permit for the project:

General:

34. The applicant shall apply for required building permits. Permits shall comply with applicable codes and requirements, including but not limited to: the current California edition of Building Code (CBC), Fire Code (CFC), and Mechanical Code as adopted and amended by the State of California and the City of Chula Vista.
35. The building permit plans shall specify the proposed occupancy types.

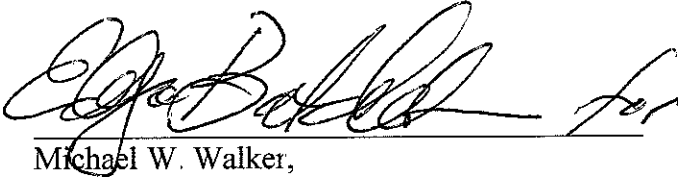
Fire Department Underground Fire Service Utilities:

36. Provide water supply data with the building permit showing the existing fire flow available to serve this building.

Fire Department Access:

37. Fire apparatus access roads shall be marked as Fire Lanes in accordance with CVFD standards.
38. If a fence, gate or other fire apparatus access road obstruction is proposed, then automatic gates shall be provided with both an Opticom Detection System and a Knox Key Switch override. Provisions shall be taken to operate the gate upon the loss of power.
39. Buildings shall be provided with Knox appliances.
 - a. Provide a Knox box at the main entrance to each tenant space
 - b. Provide a Knox Box at the Fire control Room
40. The building(s) shall be addressed in accordance with the following criteria:
 - a. 0 – 50ft from the building to the face of the curb = 6-inches in height with a 1-inch stroke
 - b. 51 – 150ft from the building to the face of the curb = 10-inches in height with a 1 ½ -inch stroke
 - c. 151ft from the building to the face of the curb = 16-inches in height with a 2-inch stroke

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 25th day of June, 2015.

A handwritten signature in black ink, appearing to read "Michael W. Walker", followed by the word "for" in a cursive script.

Michael W. Walker,
Zoning Administrator

cc The Home Depot, c/o Mark Sciesinski, 3800 West Chapman Ave. Orange, CA. 92868
 Little Diversified Architectural Consulting, c/o Randy Olaes, 1901 Newport Boulevard, Suite
 300, Costa Mesa, CA. 92627
 Miguel Tapia, Senior Planner
 Lou El Khazen, Building Official